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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,894	08/26/2003	Benoit Reiss	02-4-148	5639

7590 04/10/2007
Carlo S. Bessone
OSRAM SYLVANIA INC.
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Danvers, MA 01923

EXAMINER

TON, ANABEL

ART UNIT	PAPER NUMBER
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2875

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/649,894		REISS, BENOIT	
	Examiner		Art Unit	
	Anabel M. Ton		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-7 is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The indicated allowability of claims 8-10 is withdrawn in view of the newly discovered reference(s) to Maglica. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vadeseth in further view of Maglica (4,388,643).
4. The recitation " A cargo lamp assembly for vehicles" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, applicant has not disclosed any structure so as to describe/claim a "cargo lamp assembly for vehicles"

5. With regards to claim 8, Vadseth discloses an light source having an aperture for emitting a light beam in an arc of about 120 degrees in horizontal and vertical planes (fig 5, light emission surrounding light source 5 appears to be emitted in an arc of about 120 degrees) and a lens (17) for receiving the beam and reducing the beam to 20 degrees (21) in the horizontal and vertical plane. Vadseth does not disclose the lens reducing a light beam "x" emitted from the light source to about $\frac{1}{2} X$ in a horizontal and vertical plane, the lens providing a lens focal point about twice the distance form the lens as the distance of the LED from the lens, as well as disclosing the light source is a white LED.

- It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a lens to reduce any light emission angle by half, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233. Maglica discloses movement of the light source relative to the lens provided, selectively varying the area of the light beam. With regards to the distance provided between the lens focal point and the lens being twice as much as the distance between the LED and lens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the lens at a certain distance form the light source to vary the beam of light emitted through the lens in the device of Vadseth, since Maglica teaches that movement of a light source with respect to a lens with vary the width of emitted light from the light source. In particular one of ordinary skill in

the illumination art would have been motivated to adjust the position of the lens of Vadseth with regards to the position of the light source since one of ordinary skill would have recognized that adjusting a position of the lens with respect to the light source would widen or reduce the light emission from the light source. With regards to the position of the focal point of the lens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to position the focal point of the lens as described above, since Vadseth utilizes a Fresnel lens as does applicant. Furthermore applicant discloses the lens of the instant invention as "a "Fresnel" type lens well known in the art", this Frensel lens configured to produce the described arcs. One of ordinary skill would have been motivated to modify the Fresnel lens of Vasdeth to produce the abovementioned focal point, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233.

- With regards to claim 9, Vadseth discloses an light source having an aperture for emitting a light beam in an arc of about 120 degrees in horizontal and vertical planes (fig 5, light emission surrounding light source 5 appears to be emitted in an arc of about 120 degrees) and a lens (17) for receiving the beam and reducing the beam to 20 degrees (21) in the horizontal and vertical plane. Vadseth does not disclose specifically the lens reducing a light beam y to an upper boundary deflected downwardly and about 10 degrees relative to the horizontal plane and a lower boundary of about $1/2y+10$ (degrees) the lens being

configured in a vertical cross section to provide a lens focal point coincident with the distance from the lens to the LED. With regards to this limitation, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a lens to reduce light emission angle "y" to an upper boundary deflected downwardly and about 10 degrees relative to the horizontal plane and a lower boundary of about $1/2y+10(\text{degrees})$ the lens being configured in a vertical cross section to provide a lens focal point coincident with the distance from the lens to the LED, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233. Maglica discloses movement of the light source relative to the lens provided selectively varying the area of the light beam. With regards to the lens being configured in a vertical cross section to provide a lens focal point coincident with the distance from the lens to the LED, it would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the lens in a vertical cross section to provide a lens focal point coincident with the distance from the lens to the LED, to vary the beam of light emitted through the lens in the device of Vadseth, since Maglica teaches the movement of a light source with respect to a lens with vary the width of emitted light from the light source. One would have been motivated to position the lens with respect to the light source accordingly to a desired position for the purpose of providing a desired light output. Furthermore it has been held that rearranging parts of a prior art structure

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involves only routine skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). In particular one of ordinary skill in the illumination art would have been motivated to adjust the position of the lens of Vadseth with regards to the position of the light source since one of ordinary skill would have recognized that adjusting a position of the lens with respect to the light source would widen or reduce the light emission from the light source. With regards to the position of the focal point of the lens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to position the focal point of the lens as described above, since Vadseth utilizes a Fresnel lens as does applicant. Furthermore applicant discloses the lens of the instant invention as "a "Fresnel" type lens well known in the art", this Fresnel lens configured to produce the described arcs. One of ordinary skill would have been motivated to modify the Fresnel lens of Vasdeth to produce the abovementioned focal point, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233.

Allowable Subject Matter

6. Claims 1,3-7 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not anticipate individually nor teach in combination the limitations including

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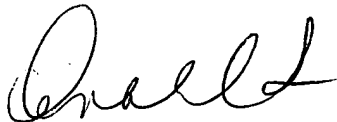
A white light emitting diode (LED) having an aperture for emitting a light beam in an arc of about 120° in horizontal and vertical planes; and a lens for receiving the beam and reducing the beam in a horizontal plane to about 60° and reducing the beam in a vertical plane to about 60° , the LED aperture includes a horizontal aperture component adapted for emitting the light beam extending 60° to the left and 60° to the right of a beam axis in the horizontal plane and a vertical aperture component for emitting the light beam extending 60° above the beam axis and 60° below the beam axis in the vertical plane; and wherein said lens is adapted to configure the light beam to an upper boundary in the vertical plane deflected about 10° downwardly relative to the horizontal plane and a lower boundary in the vertical plane extending downwardly about 70° relative to the horizontal plane.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anabel M Ton
Examiner
Art Unit 2875

AMT